

TENTATIVE AGENDA AND MINIBOOK
STATE AIR POLLUTION CONTROL BOARD MEETING

FRIDAY, NOVEMBER 20, 2009

HOUSE ROOM C
GENERAL ASSEMBLY BUILDING
9TH & BROAD STREETS
RICHMOND, VIRGINIA

Convene – 9:30 a.m.

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|--------------|--|--------------|-----------------|
| I. | Minutes (September 3, 2009) | | TAB A |
| II. | Regulations – Final Exempt Actions | | |
| | Case-by-Case Control Technology Determinations (Rev. E04c) | Sabasteanski | B |
| | Federal Documents Incorporated by Reference (Rev. H09) | Sabasteanski | C |
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| | Consumer and Commercial Products (Rev. D06) | Graham | D |
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| | Northern Virginia Opacity Revision | McLeod | E |
| V. | High Priority Violators Report | Nicol | F |
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ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions on the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

PUBLIC COMMENTS AT STATE AIR POLLUTION CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration. For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (issuance and amendment of permits), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. In some cases a public hearing is held at the conclusion of the public comment period on a draft permit. In other cases there may be an additional comment period during which a public hearing is held. In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

CASE DECISIONS: Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of the decision. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then allow others who commented at the public hearing or during the public comment period up to 3 minutes to exercise their rights to respond to the summary of the prior public comment period presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cindy.berndt@deq.virginia.gov.

Case-by-case Control Technology Determinations (Article 51 of 9VAC5 Chapter 40, Rev. E04c) - Request for Board Action on Exempt Final Regulation: Section 182 of the federal Clean Air Act requires that the state implementation plans (SIPs) require reasonably available control technology (RACT) for stationary sources of volatile organic compounds (VOCs) and nitrogen oxides (NO_x). RACT is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Subpart X to 40 CFR Part 51, which covers the implementation of the 8-hour ozone standard, requires that nonattainment areas meet the requirements of § 51.900(f), including RACT and major source applicability cut-offs for purposes of RACT. Two typographical errors have been identified in the Virginia regulation (Article 51 of 9VAC5 Chapter 40) that implements Subpart X, and must be corrected.

The substantive amendment the department is recommending be made to the regulation is to revise 9VAC5-40-7420 F and G to correctly cross-reference 9VAC5-40-7410. [9VAC5-40-7420 F and G, page 2]

Federal Documents Incorporated by Reference (Rev. H09) - Request for Board Action on Exempt Final Regulation: The purpose of the proposed action is to amend the regulations to incorporate newly promulgated federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and national emission standards for hazardous air pollutants for source categories (Maximum Achievable Control Technology, or MACT), Rules 5-5, 6-1, and Rule 6-2, respectively, of the board's regulations.

The board needs to incorporate newly promulgated NSPS, NESHAP, and MACT standards in order for the department to obtain authority from the U.S. Environmental Protection Agency (EPA) to enforce these standards. If the board does not do so, authority to enforce the standards remains with the federal government. Further, the standards reflect the most current technical research on the subjects addressed by the standards. To continue to follow the old standards would mean relying on inaccurate and outdated information.

The regulation amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2008. Below is a list of the new standards the department is recommending be incorporated into the state regulations by reference:

1. Two new NSPSs are being incorporated: Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (Subpart VVa, 40 CFR 60.480a -489a); and Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (Subpart GGGa, 40 CFR 60.590a-593a). The date of the Code of Federal Regulations book being incorporated by reference is also being updated to the latest version.
2. No new NESHAPs are being incorporated. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.
3. Two new MACTs are being incorporated: Plating and Polishing Operations, Area Sources (Subpart WWWWW, 40 CFR 63.11504-11513), and Ferroalloys Production Facilities, Area Sources (Subpart YYYYYY, 40 CFR 63.11524-11543). Two new MACTs are not being incorporated at this time: Nine Metal Fabrication and Finishing Source Categories, Area Sources (Subpart XXXXXX, 40 CFR 63.11514 -11523), and Aluminum, Copper, and Other Nonferrous Foundries, Area Sources (Subpart ZZZZZZ, 40 CFR 63.11544-11558); those standards are listed with a note that enforcement of the standard rests with EPA. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.

Consumer and Commercial Products (9VAC5 Chapter 45, Rev. D06) - Public Participation Report and Request for Board Action: The Clean Air Act mandates that states include in their State Implementation Plans (SIPs) certain control measures. If it is determined that these federally mandated measures will not fill the gap between air quality goals and actual air quality, the SIP must then incorporate additional measures as needed to meet the air quality goals. These additional measures are determined in consultation with locally affected officials, who provide input on control strategy development and associated control measures. In the Northern Virginia area, the pertinent body of locally affected officials is the Metropolitan Washington Air Quality Committee (MWAQC). MWAQC has recommended that Maryland, Virginia, and Washington, D.C., adopt new regulations or amend existing regulations for consumer products in order to achieve the necessary reductions of VOC emissions in the Northern Virginia area. In the Fredericksburg area, the pertinent body of locally affected officials is the George Washington Air Quality Committee (GWAQC). GWAQC has recommended that similar regulations be adopted and amended for the Fredericksburg and Spotsylvania County area.

To solicit comment from the public on the proposed regulation amendments, the Department issued a notice that provided for receiving comment during a comment period and at a public hearing. The summary and analysis of public testimony follows the brief summary of the substantive amendments.

Below is a brief summary of the substantive amendments that were originally proposed for public comment.

The proposed regulatory action adds a new chapter (9VAC5-45) specifically for regulations pertaining to consumer and commercial products and is applicable to specific product types and the owners that are involved in the manufacture, distribution, retail sales and in some cases, the marketing and use of those products. In Part I of the new chapter, special provisions specify the general testing, monitoring, compliance, notification, recordkeeping and reporting requirements that are applicable to all articles in the new chapter and specify certain other sections of the regulations that are not generally applicable. Exceptions to the special provisions are addressed in each individual article of the new chapter.

In Part II of the new Chapter 45:

1. The proposed regulatory action establishes standards for portable fuel containers for products manufactured before and after January 1, 2009 as new Articles 1 and 2 in Chapter 45, respectively, and applies to all of the products subject to the current provisions of Article 42 of 9VAC5-40, Emission Standards for Portable Fuel Container Spillage. Article 1 clarifies some Article 42 exemptions and definitions, adds another exemption category, removes obsolete standards and their associated administrative requirements, and provides criteria for sell-through of products. Because Article 1 applies to all products manufactured before January 1, 2009 and is designed to replace Article 42, the compliance schedule proposed for Article 1 is the same as that in Article 42. Article 2 applies to all portable fuel container products manufactured on or after January 1, 2009 and requires board pre-certification of new portable fuel container products as compliant with new labeling requirements and with new and more stringent design and performance standards. Article 2 also includes applicability to a new category of owner, and adds (i) new and revised exemptions, (ii) new certification procedures, (iii) new testing standards, and (iv) alternative compliance provisions for innovative products over those provisions now applicable under Article 42. The new Article 2 specifies a compliance deadline no later than January 1, 2009. Article 42 will be repealed at an appropriate time after the standards in the new Articles 1 and 2 are effective.
2. The proposed regulatory action establishes standards for consumer products manufactured before and after January 1, 2009 as new Articles 3 and 4 in Chapter 45, respectively and applies to all of the products subject to the current provisions of Article 50 of 9VAC5-40, Emission Standards for Consumer Products. Article 3 pertains to consumer products manufactured before January 1, 2009, clarifies some definitions and standards, makes the alternative control plan (ACP) procedures more flexible, revises labeling, reporting and other administrative requirements, and clarifies sell-through criteria. Because Article 3 applies to all products manufactured before January 1, 2009 and is designed to replace Article 50, the compliance schedule proposed for Article 3 is the same as Article 50. Article 4 applies to all consumer products manufactured after January 1, 2009 and includes all of the changes made in Article 3, adds more definitions and standards for some new product categories and establishes new labeling and other administrative requirements. Article 4 specifies a compliance deadline no later than January 1, 2009. Article 50 will be repealed at an appropriate time after the standards in the new Articles 3 and 4 are effective.
3. The proposed regulatory action establishes standards for architectural and industrial maintenance coatings and incorporates all of the provisions of Article 49 of 9VAC5-40, Emission Standards for Architectural and Industrial Maintenance Coatings into a new Article 5 in Chapter 45, except that the new Article 5 removes some obsolete reporting requirements and changes the remaining one to a recordkeeping requirement. Because the standards and other provisions of the new Article 5 are not substantively changed from what is in Article 49, no new compliance dates are proposed. Article 49 will be repealed at an appropriate time after the new Article 5 standards are effective.

4. The proposed regulatory action will add a new regulation, Article 6 in the new chapter 45, that establishes new emission standards for adhesives and sealants. The provisions of this article apply to owners who sell, supply, offer for sale or manufacture for sale commercial adhesives, sealants, adhesive primers or sealant primers that contain volatile organic compounds within the Northern Virginia and Fredericksburg VOC Emissions Control Areas. The provisions will also apply to owners that use, apply for compensation or solicit the use or application of such products in those areas. Exempted from the regulation is any such product manufactured in the Northern Virginia or Fredericksburg VOC Emissions Control Areas for shipment and use outside of these areas. The provisions of this regulation will not apply to a manufacturer or distributor who sells, supplies, or offers for sale such products that do not comply with the VOC standards as long as the manufacturer or distributor can demonstrate both that the product is intended for shipment and use outside of those areas and that the manufacturer or distributor has taken reasonable precautions to assure that the product is not distributed in those areas. A number of product-specific exemptions are also allowed. VOC content limits are specified for different product categories. Control technology guidelines are offered as an alternate means of achieving compliance with the standards. Test methods, registration requirements and recordkeeping procedures are provided. This article specifies a compliance deadline of January 1, 2009.

5. The proposed regulatory action establishes standards for asphalt paving operations and incorporates all of the provisions of Article 39 of 9VAC5-40, Emission Standards for Asphalt Paving Operations as a new Article 7 in Chapter 45. Applicability provisions in Article 7 apply to owners instead of sources and a new definition of paving operations is added that clarifies the types of operations to which the provisions of the regulation apply. Since the standards and other provisions in this article are not substantively changed, no new compliance date is proposed. Article 39 will be repealed at an appropriate time after the new Article 7 is effective.

Below is a brief summary of the substantive changes the Department is recommending be made to the original proposal.

1. Compliance dates are changed from January 1, 2009 and January 1, 2010 to a future date based upon the published effective date of the regulation.
2. Recordkeeping requirements for toxics and adhesives have been changed from five years to three years to be consistent with the other recordkeeping requirements in this chapter and in 9VAC5-40 (Existing Stationary Sources).
3. A phase-in period for the use or application of single-ply roof membrane adhesives and sealants has been added so that the standard only applies during ozone seasons until January 1, 2012. Beginning on January 1, 2012, the standard applies all year.
4. The compliance date for the manufacture, distribution and sale of single-ply roof membrane adhesives and sealants has been delayed until after the phase-in period for the use or application of those products has been completed.

Public Participation Process: A public hearing was held at the DEQ Northern Virginia Regional Office in Woodbridge, Virginia on July 22, 2009. Four members of the general public attended the hearing, with two of those offering oral or written testimony. One additional set of written comments was received during the public comment period from one of the public hearing speakers. As required by law, notice of this hearing was given to the public on or about June 8, 2009 in the Virginia Register and in two major newspapers on the Northern Virginia Air Quality Control Region (the Washington Times and the Fredericksburg Free-Lance Star). In addition, personal notice of this hearing and the opportunity to comment was given by mail to those persons on the Department's list to receive notices of proposed regulation revisions. A list of hearing attendees and the complete text or an account of each person's testimony is included in the hearing report which is on file at the Department.

Below is a summary of each person's testimony and the accompanying analysis. Included is a brief statement of the subject, the identification of the commenter, the text of the comment and the Board's response (analysis and action taken). Each issue is discussed in light of all of the comments received that affect that issue. The Board has reviewed the comments and developed a specific response based on its evaluation of the issue raised. The Board's action is based on consideration of the overall goals and objectives of the air quality program and the intended purpose of the regulation.

1. SUBJECT: Uniform regulation provisions.

COMMENTER: Joe Yost, Consumer Specialty Products Association (CSPA).

TEXT: CSPA strongly believes in the importance of promulgating uniform regulations for consumer products throughout the Ozone Transport Region (OTR). Thus, CSPA is on record as supporting the recently revised OTC Model Rule because it promotes uniform state regulations in broad regions of the country. The Department's new VOC limits are consistent with standards established by regulations adopted by other states in the Mid-Atlantic and Northeast Region. The fact that these VOC limits are consistent throughout the OTR makes these challenging new regulatory standards workable. Therefore, CSPA offers general support for the Department's proposed amendment.

RESPONSE: The Department appreciates the CSPA's support of the proposed revisions to the consumer products regulations. No changes have been made to the proposed regulation based upon this comment.

2. SUBJECT: Inappropriate effective dates.

COMMENTER: Joe Yost, CSPA.

TEXT: As a threshold matter, the proposed January 1, 2009, effective date established by Articles 3 and 4 would create impermissible "after the fact" regulatory requirements. CSPA strongly urges the Department to establish an effective date no earlier than January 1, 2010, for the VOC limits and related enforcement provisions in Articles 3 and 4.

RESPONSE: This comment is acceptable and appropriate changes reflecting the intent of the comment have been made to the proposal.

3. SUBJECT: Inappropriate effective dates.

COMMENTER: Joe Yost, CSPA.

TEXT: The Department should also revise Articles 3 and 4 to maintain the additional 1-year deferral of the standards applicable to all FIFRA-regulated products. Any changes required for FIFRA-related products will also require federal approval which takes about a year. CSPA supports an effective date no earlier than January 1, 2011, for all FIFRA-regulated products.

RESPONSE: This comment is acceptable and appropriate changes reflecting the intent of the comment have been made to the proposal.

4. SUBJECT: Enforcement overlap between consumer products regulations.

COMMENTER: Joe Yost, CSPA.

TEXT: CSPA supports the Department's provision (9VAC5-45-310 D) in Article 3 for dealing with products manufactured before the effective date for the VOC limits. This provision is consistent with the parallel provision in the OTC Model Rule and other states' regulations. In addition, this provision ensures efficient enforcement of this regulation and does not impose unnecessary administrative burdens on the Commonwealth's retailers.

RESPONSE: The Department appreciates the CSPA's support of the proposed revisions to the consumer products regulations. No changes have been made to the proposed regulation based upon this comment.

5. SUBJECT: Availability of ACP information to the public.

COMMENTER: Joe Yost, CSPA.

TEXT: The Department states that the proposed revisions to the current alternative control plan (ACP) provision make the current regulatory provision more flexible. CSPA agrees with this assessment and supports the proposed revisions to the ACP. However, CSPA has serious concerns about the proposed revisions to the manner in which the Department handles information submitted to meet the requirements of

the ACP provision. Specifically, CSPA has serious concerns that, as currently drafted, proposed 9VAC5-45-320 K and 9VAC5-45-440 K would impose a burden of proof on manufacturers to make "...a showing satisfactory to the board under 9VAC5-170-60 B that the information meets the criteria in 9VAC5-170-60 C..." before the information will be treated as confidential. CSPA believes that this proposed revision imposes a substantial and unnecessary burden of proof on companies seeking approval of an ACP agreement.

RESPONSE: The proposed language more closely meets the requirements of 9VAC5-170-60 in that such records must be made available to the public unless the owner makes an adequate demonstration that the information is confidential. Merely stating that the information is a trade secret and requesting that it be withheld from the public as confidential is insufficient to meet the requirements of law and regulation. The Department has procedures in place to protect such information until an owner either makes, or fails to make, an adequate demonstration. Virginia law and regulation requires that the information be made available to the public and places the burden on the owner to make the demonstration that it should be withheld instead. No changes have been made to the proposed regulation based upon this comment.

6. SUBJECT: Consumer products five-year record retention requirement.

COMMENTER: Joe Yost, CSPA.

TEXT: CSPA has concerns about the length of time that the Department will require companies to maintain records. The proposal will require companies maintain records for five calendar years. CSPA respectfully recommends that Department revise this administrative requirement since it is inconsistent with common industry practices, and recordkeeping provisions in EPA's National Consumer Product Rule, California's Consumer Products Regulation, the OTC Model Rule and several other states' regulations, which only require companies to maintain records for three years. However, to be fair, several states impose a five-year record-retention period. But, since EPA, CARB and a majority of states with OTC-based regulations impose a three-year recordkeeping requirement, CSPA recommends that the Department follow this approach.

RESPONSE: This comment is acceptable and appropriate changes reflecting the intent of the comment have been made to the proposal.

7. SUBJECT: Single-ply roofing adhesive and sealants standards.

COMMENTER: Phil Abraham, Vectre Corp. representing Jared Blum, EPDM Roofing Association.

TEXT: The proposal should be modified to allow a two-year phase-in period for the standards for single-ply roofing adhesives, sealants and adhesive primers in Table 45-6A so that the standards only apply from May 1, 2010 to September 30, 2010, from May 1, 2011 to September 30, 2011, and on and after January 1, 2012.

RESPONSE: This comment is acceptable and appropriate changes reflecting the intent of the comment have been made to the proposal.

8. SUBJECT: Single-ply roofing adhesive and sealants standards.

COMMENTER: Phil Abraham, Vectre Corp. representing Jared Blum of the EPDM Roofing Association

TEXT: The proposal should be modified to allow manufacturing, distribution and sale of high-VOC single-ply roofing adhesives, sealants, and sealant primers year-round during the phase-in period (until January 1, 2012). Since the necessary lead-time for manufacturing, distribution and stocking sufficient high-VOC product for use during the fall, winter and spring months of the phase-in period is long, a prohibition on the manufacture, distribution and sale of these products during the summer months would cause unnecessary construction delays in the fall, winter and spring months. The new standards should not apply to the manufacture, distribution and sale of single-ply roofing products until January 1, 2012.

RESPONSE: This comment is acceptable and appropriate changes reflecting the intent of the comment have been made to the proposal.

High Priority Violators (Hpv's) For The Fourth Quarter, 2009

| DEQ Region | Facility | Brief Description | Status |
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| BRRO | Intermet Radford Foundry Radford, Virginia Radford City Registration No. 21256 SIC 3321 Gray Iron Foundries NAICS 331511 Primary Metal Mfg.– Iron Foundries | Discovery dates – 6/9/09 Alleged violations: Failed to submit CY 2008 Title V Annual Compliance Certification (ACC) and Semi-Annual Monitoring Report (SAMR) in a timely manner, conduct weekly opacity observations, and keep the associated records. | NOV - Issued 7/20/09 CO - <i>In Development</i> Additional Information: Title V ACC and SAMR were both received on 5/13/09. 8/10/09 - NOV Meeting was held with DEQ and the Responsible Party. The Facility has agreed to pay civil charge and sign CO. |
| PRO | Omega Protein - Reedville Reedville, Virginia Northumberland County Registration No. 40278 SIC 2077 Animal and Marine Fats & Oils NAICS 311613 Food Mfg. – Animal Slaughtering and Processing | Discovery dates – 7/23/09 Alleged violations: Failure to maintain control equipment, report malfunctions, and conduct required stack testing of an emissions unit. | NOV - Issued 9/23/09 CO - <i>In Development</i> Additional Information: 7/23/09 – Stack tests were conducted. |

CO's Issued from July through September 2009.

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| SWRO | American Electric Power – Clinch river Plant Cleveland, Virginia Russell County Registration No. 10236 SIC 4911 Electrical Services NAICS 221112 Electric Power Generation, Transmission and Distribution. | Discovery date – 2/3/09 Alleged violations: Continuous Emission Monitors (CEM's) recorded sulfur dioxide emission exceedances for the lbs/hr per unit and the lbs/MMBtu per stack (3-hour block average) limits for the B&W boilers (Permit and Consent Order violations) | NOV - Issued 3/5/09 CO - Executed 7/16/09 Civil Penalty – Paid 8/15/09 (\$77,670.00) Additional Information: 8/15/09 – APCO submitted permit application for the SOP permit to include language for SO2 limits. APCO will complete sulfur analysis on each shipment of coal. Submit quarterly SO2 reports for a period of two years. <i>Formal resolution should occur on 5/30/2011</i> |
| BRRO | CP Films, Inc – Plant 1 Fieldale, Virginia Henry County Registration No. 30294 | Discovery date – 3/11/09 Alleged violations: | NOV - Issued 4/15/09 CO - Executed 7/23/09 Civil Penalty – Paid 8/11/09 (\$11,154.00) Additional Information: |

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| | <p>SIC 3083 Laminated Plastics Plate/Sheet NAICS 326130 Plastics and Rubber Products Mfg.</p> | <p>Failure to record and provide operating parameters for the Air Pollution control equipment from 7/1/08 through 10/27/08 as the result of a software failure.</p> | <p>New computers installed on 5/4/09</p> <p>Consent Order is in review at the facility.</p> |
| TRO | <p>Hampton University</p> <p>Hampton, Virginia Hampton City</p> <p>Registration No. 60106</p> <p>SIC 8221 College NAICS 611310 Colleges, Universities, and Professional Schools</p> | <p>Discovery dates - 12/6/07 - 11/19/08 - 12/29/08</p> <p>Alleged violations:</p> <p>1st NOV- During Visible Emission Evaluations DEQ staff noted Opacity values that exceeded the 20 % opacity limit on Stack 1.</p> <p>2nd NOV - Facility failed to conduct required stack test within 5 calendar years of the previous test. The last stack test was conducted on 3/15/02.</p> <p>3rd NOV – The facility failed to maintain appropriate records (coal shipment certifications and coal analysis for Cl).</p> | <p>1st NOV - Issued 1/28/08 2nd NOV - Issued 1/5/09 3rd NOV - Issued 3/1/09 CO - Executed 8/26/09 Civil Penalty – Paid 9/15/09 (\$39,889.00)</p> <p>Additional Information:</p> <p>DEQ is negotiating with the facility to resolve all three NOV's.</p> <p>The facility conducted the required stack test on 3/10/09. Test results were reviewed by DEQ staff and all reported values are within permit limits.</p> <p>The facility provided coal shipment certifications on 6/11/09.</p> |
| VRO | <p>O-N Minerals Chemstone Co. – Strasburg</p> <p>Strasburg, Virginia Shenandoah County</p> <p>Registration No. 80252</p> <p>SIC 3274 Lime NAICS 327410 Nonmetallic Mineral Product Mfg., Lime and Gypsum</p> | <p>Discovery dates - 10/31/08</p> <p>Alleged violations:</p> <p>2nd NOV - As a result of previous enforcement actions the facility conducted several stack tests on the Hydrator. The test results were evaluated and documented two periods of time where operations occurred while exceeding emission limits for filterable PM.</p> | <p>2nd NOV - Issued 1/29/09 CO - Executed 9/2/09 Civil Penalty – Paid 9/15/09 (\$29,013.00)</p> <p>Additional Information:</p> <p>8/21/08 – The facility conducted a second test on the rotary kiln.</p> <p>10/31/08 test results were reviewed and the facility demonstrated compliance with permit limits.</p> <p>On 3/23/09 discussions with the facility resulted in the facility requesting time to provide a proposal for a Supplemental Environmental Project (SEP).</p> |
| VRO | <p>University of Virginia</p> <p>Charlottesville, Virginia</p> | <p>Discovery date – 3/9/09</p> | <p>NOV - Issued 5/13/09 ECA* - Executed 9/18/09</p> |

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| | Charlottesville City Registration No. 40200 SIC 8221 College NAICS 611310 Colleges, Universities, and Professional Schools | Alleged violation: Quarterly Excess Emissions Reports (EER), document NOx exceedances for Boiler No. 5 for the 2008 4 th Quarter and 2009 1 st Quarter. | Civil Penalty – None Additional Information: <i>Facility will be requesting a permit amendment.</i> *Executive Compliance Agreement |
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CO's In Development – Previously Reported NOV's

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| TRO | Southeastern Public Service Authority (PSA) – Refuse Derived Fuel Plant Portsmouth, Virginia Portsmouth City Registration No. 61018 SIC 4961 & 4953 Steam & Air Conditioning sup, & Refuse systems NAICS 221330, 562213 & 562219 Utilities, Solid Waste Combustor, Waste Treatment and Disposal | Discovery date – 4/23/09 Alleged violation: Quarterly Excess Emissions Reports (EERs), document CO limits being exceeded during 6 different quarterly reports since July 2005. | NOV - Issued 4/23/09 CO - <i>In</i> <i>Development</i> Additional Information: Case is in Review On 5/28/09 had an NOV meeting with the facility. The facility is updating the Best Management Practices (BMP's) to reduce CO emissions and promote complete combustion. The Title V permit was amended on 7/21/09 to incorporate the CO limit from the PSD Permit. |
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EPA NOV's Issued from July through September 2009

**The inspections at the Hopewell facilities were conducted as part of EPA Region III's Hopewell Geographic Initiative, which is an enforcement strategy created, in part to better understand the transfer of volatile organic compounds and hazardous air pollutants between facilities in the Hopewell geographic air shed.*

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| *EPA | Hopewell Regional Wastewater Treatment Facility (WWTP) Hopewell, Virginia Hopewell City Registration No. 50735 SIC 4952 Sewage Systems NAICS 221320 Utilities, Water, Sewage and Other Systems | Discovery dates – 11/7/07 Alleged violations: Violations of 40 CFR 63 Subpart VVV (Publically Owned Treatment Works - POTW) and Reasonably Available Control Technology (RACT) that include failure the to provide appropriate notification, meet control requirements, conduct inspections and monitoring, properly calculate emission values. | NOV - Issued 7/6/09 Additional Information: 9/23/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party |
| *EPA | DuPont Teijin Films Hopewell, Virginia | Discovery dates – 4/18/08 Alleged violations: | NOV - Issued 7/17/09 Additional Information: |

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| | <p>Chesterfield County</p> <p>Registration No. 50418</p> <p>SIC 2821 Plastic Material/Synthetic resins NAICS 325211 Chemical - resin, Synthetic rubber, and artificial synthetic fibers.</p> | <p>Violations of 40 CFR 63 Subpart JJJ (Polymers and Resins Group IV), Subpart H (Equipment Leaks), and Subpart EEEE (Organic Liquid Distribution (Non-Gasoline) that include improper use of emission debits and credits; failure to provide certifications, reports and plans; improper emission controls; and failure to identify and repair leaking components.</p> | <p>9/10/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p> |
| *EPA | <p>Honeywell International Inc.</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50232</p> <p>SIC 2869, 2899, 2819 Industr. Organic Chemical NEC, Chemical & Chem. Prep, NEC, Industrial Inorganic Chemicals NAICS 325199 Chemical Mfg.</p> | <p>Discovery date – 11/6/07</p> <p>Alleged violations:</p> <p>1st NOV - Alleged violations of the Benzene Waste NESHAP (40 CFR 61 Subpart FF) and the associated Leak Detection and Repair (LDAR) program for the Organic HAPs from Equipment Leaks MACT (40 CFR 63 Subpart H)</p> <p>2nd NOV - Annual NOx and PM10 emission limit exceedances in 2004, 2005, 2006, and 2007 at the A, C, D, and E trains of the Area 9 hydroxylamine production unit.</p> | <p>EPA 1st NOV - Issued 3/10/09 EPA 2nd NOV - Issued 8/21/09</p> <p>Additional Information:</p> <p>5/27/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p> <p>A meeting regarding the 2nd NOV is being scheduled for 11/09</p> |

EPA CO's In Development – Previously Reported NOV's

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| *EPA | <p>Ashland Aqualon Functional Ingredients (Hercules)</p> <p>Hopewell, Virginia Hopewell City</p> <p>Registration No. 50363</p> <p>SIC 2869 Industr. Organic Chemical NEC NAICS 325199 Chemical Mfg.</p> | <p>Discovery date – 11/8/07</p> <p>Alleged violations:</p> <p>Alleged violations of the Cellulose MACT (40 CFR 63 Subpart UUUU) and the associated Leak Detection and Repair (LDAR) program.</p> | <p>EPA NOV - Issued 4/2/09</p> <p>Additional Information:</p> <p>7/8/09 - NOV Meeting was held with EPA, DEQ, and the Responsible Party</p> |
| EPA & VRO | <p>O-N Minerals Chemstone Co. – Strasburg</p> <p>Strasburg, Virginia Shenandoah County</p> <p>Registration No. 80252</p> | <p>Discovery dates – 5/19/08</p> <p>Alleged violations:</p> <p>1st NOV - SO2 values from testing the Rotary Kiln (conducted on 10/30/07) were 66.1 lbs/hr. That</p> | <p>1st NOV -Issued 6/3/08 EPA NOV - Issued 7/29/08 EPA CO - <i>In Development</i> DEQ CO - <i>In Development</i></p> |

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| | <p>SIC 3274 Lime NAICS 327410 Nonmetallic Mineral Product Mfg., Lime and Gypsum</p> | <p>emissions rate corresponds to a PTE of 289.5 tons/yr and is above PSD significance levels. The facility does not have a PSD permit.</p> <p>EPA NOV - Alleged violations of the Lime Plant NSPS (40 CFR 60 Subpart HH), Prevention of Significant Deterioration (PSD) provisions for physical modifications, and exceeding permitted SO2 limits.</p> | <p>Additional Information:</p> <p>8/21/08 – The facility conducted a second test on the rotary kiln.</p> <p>9/24/08 - EPA met with the facility to discuss the EPA issued NOV.</p> <p>10/31/08 test results were reviewed and the facility demonstrated compliance with permit limits.</p> <p>On 3/23/09 discussions with the facility resulted in the facility requesting time to provide a proposal for a Supplemental Environmental Project (SEP).</p> <p>The company has submitted a plan to EPA's RTP, EPA Region III and VADEQ on the installation and operation of SO2 CEMs.</p> |
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